

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GABRIEL STELLATO, HANNAH BUCKLEY,
REBEKAH COHEN, IMANI SCHULTERS,
MIAH LATVALA, and MIKAYLA FALLON,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

HOFSTRA UNIVERSITY,

Defendant.

**DECLARATION OF
SUZANNE MESSER**

Civil Action No.
2:20-cv-01999-GRB-ARL

SUZANNE MESSER, ESQ. declares, under penalty of perjury, the following:

1. I am an attorney admitted to practice under the laws of the State of New York, and am a member of the law firm of Bond, Schoeneck & King, PLLC, counsel for Defendant Hofstra University (the “University”).

2. Pursuant to the Court’s May 12, 2022 Text Order, I exchanged email communications with counsel for Plaintiffs concerning the applicability of the “home state exemption” to the Court’s jurisdiction under the Class Action Fairness Act.

3. I provided Plaintiff’s counsel with information concerning the addresses of students that were enrolled at Hofstra Law during the Spring 2020 semester. A copy of my email communication is attached as **Exhibit A**.

4. Plaintiffs’ counsel indicated their position both on the phone and via email. *See Exhibit A*.

5. On May 25, 2022, Plaintiffs' counsel wrote to me and stated that they intended to move for an extension to submit the supplemental briefing in response to the Court's May 12, 2022 Text Order. On behalf of the University, I stated that the University would not oppose Plaintiffs' request. Plaintiffs' counsel filed a motion for an extension of time. ECF Doc. No. 39.

6. Today, at 6:12 pm, after the close of business for the University, Plaintiffs' counsel wrote to me via email and indicated that they intended to file their supplemental brief this evening because the Court had not yet issued a decision on the pending motion for an extension of time.

7. As a result, in an attempt to ensure contemporaneous submission of the University's position concerning the home state exemption, the University has moved forward with the filing of a memorandum and this Declaration. However, the University was unable to secure an executed declaration of its Registrar prior to the filing. Accordingly, the University will supplement its memorandum with a declaration affirming the residency information contained in its communication with Plaintiffs' counsel and its memorandum of law as soon as possible.

Executed: May 26, 2022

s/Suzanne Messer
Suzanne Messer